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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,112	02/20/2001	Yoshihito Ishibashi	450108-02550	4693

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EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/719,112	Applicant(s) ISHIBASHI ET AL.	
	Examiner Firmin Backer	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al (U.S. Patent No. 6,574,609) in view of Hatakeyama et al (U.S. Patent No. 6,873,975).
4. As per claims 1-3, Downs et al teach an information processing apparatus, characterized by comprising holding means for holding encrypted first information storage means for storing second information containing the usage conditions of the first information and usage details for the usage conditions by associating the second information with the first information; and sending means for holding means sending the first information held by the and the second information stored by the storage means (*see column 3 line 48-67, 7 line 20-8 line 39, 9 line 11-12 line 29*). Downs et al fail to teach an inventive concept wherein a usage condition including content use point for use in determining whether a use and an equipment can use the first

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information, the usage details including an identification of the first information, type of usage and a control transfer status. Hatakeyama et al teach an inventive concept wherein a usage condition including content use point for use in determining whether a use and an equipment can use the first information, the usage details including an identification of the first information, type of usage and a control transfer status (*see the summary of the invention and claims 8, 9 and 10*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Downs et al to include Hatakeyama et al's inventive concept wherein a usage condition including content use point for use in determining whether a use and an equipment can use the first information, the usage details including an identification of the first information, type of usage and a control transfer status because this would have enhance the security of the system.

5. As per claims 4-6, Downs et al teach an information processing apparatus, characterized by comprising reception means for receiving encrypted first information and second information containing the usage conditions of the first information and usage details for the usage conditions, sent from a given provider preparation means for preparing third information containing the pricing conditions for the first information and corresponds to the pricing conditions according to the second price that information received by the reception means; and sending means for sending encrypted the first information and the second information received by the reception means as the third information prepared by the preparation means appropriate equipment (*see column 3 line 48-67, 7 line 20-8 line 39, 9 line 11-12 line 29*). Downs et al fail to teach an inventive concept wherein a usage condition including content use point for use in

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determining whether a use and an equipment can use the first information, the usage details including an identification of the first information, type of usage and a control transfer status. Hatakeyama et al teach an inventive concept wherein a usage condition including content use point for use in determining whether a use and an equipment can use the first information, the usage details including an identification of the first information, type of usage and a control transfer status (*see the summary of the invention and claims 8, 9 and 10*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Downs et al to include Hatakeyama et al's inventive concept wherein a usage condition including content use point for use in determining whether a use and an equipment can use the first information, the usage details including an identification of the first information, type of usage and a control transfer status because this would have enhance the security of the system.

6. As per claims 7-9, Downs et al teach an information processing apparatus, characterized by Comprising storage means for storing appropriate reference information, reception means for receiving encrypted first information, second information containing the usage conditions of the first information and usage details for the usage conditions, and third information containing the pricing conditions the first information and the price that corresponds to the pricing conditions, sent from a given provider, usage condition selection means selecting the usage conditions of the second information received by the reception means, corresponding to the reference information stored the storage means, for selecting the pricing conditions of the third information received by the reception means, corresponding to the reference information stored the storage means,

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pricing condition selection means usage means for decrypting and using encrypted the first information according to the usage details corresponding to the usage conditions selected by the usage condition selection means; and execution means for charging for the usage by the usage means according to the price that corresponds to the pricing conditions selected by the pricing condition selection means (*see column 3 line 48-67, 7 line 20-8 line 39, 9 line 11-12 line 29*).

Downs et al fail to teach an inventive concept wherein a usage condition including content use point for use in determining whether a use and an equipment can use the first information, the usage details including an identification of the first information, type of usage and a control transfer status. Hatakeyama et al teach an inventive concept wherein a usage condition including content use point for use in determining whether a use and an equipment can use the first information, the usage details including an identification of the first information, type of usage and a control transfer status (*see the summary of the invention and claims 8, 9 and 10*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Downs et al to include Hatakeyama et al's inventive concept wherein a usage condition including content use point for use in determining whether a use and an equipment can use the first information, the usage details including an identification of the first information, type of usage and a control transfer status because this would have enhance the security of the system.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

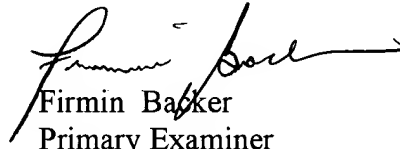
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer
Primary Examiner
Art Unit 3621

April 17, 2005